



Appeal Decision

Site visit made on 18 March 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2025

Appeal Ref: APP/U2750/W/25/3358742

Land East of The Forge, Mill Lane, Ampleforth, North Yorkshire, YO62 4EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr John Seeger against the decision of North Yorkshire Council.
 - The application Ref ZE24/00012/FUL, was refused by notice dated 9 August 2024.
 - The development is 'change of use and alteration of greenhouse and land to form 2no. two-bedroom holiday cottages with associated access and parking'
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Decision

1. The appeal is allowed and planning permission is granted for change of use and alteration of greenhouse and land to form 2no. two-bedroom holiday cottages with associated access and parking at Land East of The Forge, Ampleforth, YO62 4EJ in accordance with the terms of the application, Ref ZE24/00012/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have used the description of development as detailed on the decision notice rather than the planning application form because this more accurately describes the proposed development.

Main Issue

3. Whether the appeal site provides a suitable location for the proposed development, with regard to the Council's spatial strategy and whether the proposed development relates to a 'traditional rural building'.

Reasons

4. The appeal site is an irregularly shaped site (c. 0.14 hectare) which accommodates a large timber framed glasshouse structure constructed approximately 18 years ago. It is located within a cluster of traditionally constructed farmstead buildings which have largely been converted to residential use. It is currently in a dilapidated condition and statements confirm that it has not been used for 4 years.
5. It is located approximately one kilometre south of Ampleforth village centre in a location which both the appellant and Council do not contest is 'open countryside' for the purposes of application of the policies of the Ryedale Local Plan Strategy 2013 (the Local Plan). It is identified as being located within Flood Zone 3.

6. Policy SP8 of the Local Plan supports tourist accommodation in the wider open countryside that involves 'the re-use of traditional rural buildings' to contribute to a sustainable and diverse rural economy.
7. There is dispute between the parties over whether the glasshouse on the appeal site proposed for conversion (appeal building) is a 'traditional rural building'. Neither Policy SP8 itself, nor its supporting text, nor at any other point in the Local Plan is a definition of a 'traditional rural building' provided.
8. The Council recognise that traditional building materials, techniques, skills and architectural styles can be employed in new development but state that in this case it is not sufficient to deem the appeal building a 'traditional rural building' for the purposes of Policy SP8. I am persuaded by the appellants evidence that the construction techniques engaged, and material type used, and which will be retained do date back many centuries and can be deemed tradition. The superstructure of the glasshouse, using heavy green oak columns and beams and evident peg fastenings is traditional in form and consistent with that used in other traditional timber framed buildings.
9. In this regard, I note the comments of the Inspector in determining an earlier appeal on the site when permission was sought for a residential conversion of the appeal building (ref. APP/Y2736/W/17/3184405). This considered this very same matter as to whether the appeal building is a 'traditional rural building' and has been referred to by both the appellant and the Council. The Inspector did not conclude whether the appeal building was a 'traditional rural building' but did state: *"there is merit in the appellant's argument that constructing buildings on timber frames is a centuries old building tradition."* This appeal was dismissed due to the sustainability of the location for residential use in terms of access to services and facilities.
10. The proportions and form of the appeal building are consistent with several other buildings in the immediate vicinity, including the 'Forge' and 'Sheepfold' that have been the subject of residential conversion in the past. These are elongated traditional rural buildings displaying similar proportions in terms of length, width and height to the appeal building. There is an evident consistency in building proportion and form in the immediate vicinity which is also evident in the appeal building. This supports the conclusion that the glasshouse is a building displaying traditional building form, proportion and scale meaning that it is a 'traditional rural building' in this regard.
11. I agree that it is not unreasonable for the length of time a building has existed to be a factor in the assessment as to whether it is a 'traditional rural building'. However, I am not of the view that this is the determining factor. Glasshouses are a form of construction, typical of rural areas, which has existed for several centuries. In this instance the glasshouse was constructed approximately 18 years ago. The fundamental factor determining whether this example is a 'traditional rural building' is the design, construction techniques engaged, and materials used rather than the precise date of construction. I have found these factors to be consistent with the appeal building being a 'traditional rural building'.
12. I have noted that the Council have not raised concerns in respect of the structural suitability of the appeal building to accommodate conversion, the effect of the proposed development on the landscape and scenic beauty of the National

Landscape or on the setting of the nearby Listed Building. I also note that there have been no concerns raised by the Council in respect of the living conditions of the occupiers of nearby residential properties, ecology, drainage, highways and flood risk. I note that the Council request that should planning permission be granted for the proposed holiday use it would be subject to the relevant restricted occupancy conditions as set out in Local Plan Policy SP21(e) which restricts use to time-limited holiday purposes only. From what I have read and from what I saw when I visited the appeal site, I have no reason to reach a different conclusion on these matters.

13. I conclude that the appeal site is a suitable location for the proposed development having regard to the development plan and the appeal building being a 'traditional rural building' meaning its reuse as proposed would contribute to a sustainable and diverse rural economy. It would comply with the relevant requirements of SP8 of the Local Plan in this regard.

Other Matters

14. The Council highlight that in the past 8 years the appellant has sought permission for an alternative use for the greenhouse on numerous occasions. All previous applications sought planning permission for a dwelling on the site. The current appeal has been determined in accordance with legislation which requires that planning decisions must be assessed on their individual merits, taking into account the policies within the development plan and other material considerations.

Conditions

15. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision.
16. In the interests of certainty and clarity, I have imposed the standard conditions relating to the commencement of development as well as the approved plans.
17. In the interests of highway safety, full details of the proposed access, including surface finishes, passing places, parking, turning areas and emergency access is required. A landscaping condition is included to ensure that the development is able to appropriately address the landscape context and surrounding properties. An external lighting condition is included to ensure that installations are appropriate in the context of the surrounding area.
18. The potential for flooding of the site has resulted in the need for a condition addressing flooding in order to mitigate potential impacts. An occupancy condition is imposed relating to the proposed use of the development as holiday cottages and preventing another form of occupancy.
19. Given the proximity of the site to existing dwellings a condition limiting the hours of construction on the site would be reasonable and necessary in the interests of amenity.

Conclusion

20. I have found that the proposal complies with the development plan and no material considerations have been identified which would indicate that the requirements of the development plan should be set aside.
21. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

F P Tinsley

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan ref. 0244:7:11, dated June 2023 5

Proposed Site Layout ref. 0244:7:12, dated June 2023

Proposed Site Layout ref. 0244:7:13, dated June 2023

Proposed Plan ref. 0244:7:14, dated June 2023

Proposed Elevations ref. 0244:7:15, dated June 2023

Proposed Elevations ref. 0244:7:16, dated June 2023
3. Unless otherwise approved in writing by the Local Planning Authority the materials and finishes to be used on the exterior of the building, windows and doors shall be in accordance with the details shown on the approved elevation drawings.
4. The proposed development must not be brought into use until the parking, manoeuvring and turning areas for users of the holiday accommodation at Watergate Farm have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
5. The surface finish for the access track, parking and turning areas shall be formed from permeable materials. Once created these areas/surfaces shall be maintained at all times.
6. Vehicular access to and from the site shall be limited to the route outlined in red on the approved plan ref. 0244:7:11, dated June 2023 which connects to the public highway (Mill Lane) to the north east of the application site. The passing places shall be formed prior to the holiday cottages being first brought into use. There shall be no use of the existing access track which runs between Watergate Farm and The Forge and connects to the public highway (Mill Lane) to the west of the application site except in the event of an emergency.
7. The landscaping and planting at the site shall be completed in accordance with the details shown on approved drawing ref. Proposed Site Layout ref. 0244:7:13, dated June 2023. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development hereby approved, or such longer period as may be agreed in writing by the Local Planning Authority. Existing trees on the site boundary shall remain. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

- 8 Prior to installation details of all external lighting at the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.
- 9 The development hereby approved shall be undertaken in accordance with the following:-
 - There will be no ground raising in flood zone 3
 - The flood proof and resilience measures detailed in Section 15 of the supplementary statement dated April 2024 shall be fully incorporated into the development
 - A place of safety, accessible by an internal stairway will be available at first floor level.
 - There will be no increase in the footprint of the development from the existing greenhouse to the proposed holiday cottages
10. The holiday accommodation shall be occupied for holiday purposes only; and not as a person's sole, or main place of residence. It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 days; and the owners/operators shall maintain an up-to-date register of lettings/occupation and advertising which will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request.
11. In undertaking the development that is hereby approved: No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.